IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1099 OF 2006

Shri Tirthnath Shambuprasad Dubey ...Petitioner
Vs.
The State of Maharashtra ...Respondent

Shri L.H.Patil for the Applicant.
Shri S.R.Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 05, 2006.

P.C.:

1. The prayer in this Petition is for quashing the F.I.R. lodged against the Petitioner and others for offences under section 465, 467, 471, 407, 419, 420 read with section 34 of the Indian Penal Code. According to the prosecution the Petitioner is one of the promoter members of a Co-operative Credit Society. The society had advanced loan to 180 members. The liquidation proceedings were initiated in respect of the Society. The liquidator appointed under the provisions of the Maharashtra Co-operative Societies Act, 1960 lodged F.I.R. alleging commission of aforesaid offences. A reliance is placed by the Petitioner on letter dated 11th February, 2006 sent by the liquidator of the Society to the Senior Inspector of Police of Saki Naka Police Station. Quashing is sought on the basis of said letter by the liquidator. The English translation of the relevant part of the

letter reads as under:

> "However, out of the previous Directors Shri Tirthnath Dube and Shri Dinanath Dube have admitted their responsibilities in respect of Members' misappropriation coming to their share happened during the periods of their Directorship under the Maharashtra Co-operative Societies Act."

In view of what is stated in the said letter, it is obvious that no case is made out for quashing the prosecution.

2. At this stage, the learned counsel appearing for the Petitioner submitted that stringent conditions imposed by this court while granting bail are required to be relaxed. I find that no such prayer has been incorporated in this Petition. It is always open for the Petitioner to take out appropriate Application in that behalf.

3. Subject to what is stated above, the Petition is rejected.

JUDGE